

REMARKS

Claims 1-19 are pending in the application and stand rejected. By the above amendment, claims 1, 7 and 10 have been amended and claims 6, 9 and 19 have been canceled without prejudice. Applicants request reconsideration of the claim rejections based on the following remarks.

Claim Rejections - 35 U.S.C. ' 102

Claims 1-4, 6-17 and 19 remain rejected as being anticipated by Cosman (U.S. Patent No. 6,405,072). It is respectfully submitted that at the very least, claims 1, 7 and 10 are patentably distinct and patentable over Cosman. For example, Cosman does not disclose a system or method that allows a user to *select a target point in a displayed digital image of a real scene to thereby project a light beam at a target point in the real scene which corresponds to the selected target point in the displayed digital image of the real scene*, as essentially claimed in claims 1, 7 and 10.

Although Cosman discloses an imaging system (FIGs. 1 and 2) with cameras (17, 18, 19) and an illumination source (16) mounted on a rack (6), Cosman does not disclose or suggest that the illumination source (16) is controlled in any manner to illuminate a target point in a real scene based on a selected target point in a displayed digital image of the real scene which is captured by cameras. Indeed, in the Advisory Action, the Examiner seems to ignore Cosman's express teachings that the light source (16) may not always be needed and that the light source (16) is simply used to enhance the SNR (signal to noise ratio) of reflected light from the index markers as related to the background (see, Col. 4, lines 25-34), as previously noted by Applicants.

Instead, the Examiner contends in the Advisory Action that Cosman discloses (FIG. 2, and Col. 8, lines 32-43) the process of projecting a light beam at target points corresponding to the target points in the digital image. It is respectfully submitted that Examiner's reliance on the cited section (Col. 8, lines 32-43) is wholly misplaced, as there is nothing in the cited section that supports the Examiner's contention.

Indeed, the Examiner notes the beam (6) in FIG. 2. However, it appears that the Examiner does not recognize that beam (6) is not a light beam emitted from a light source to illuminate a target point in the real scene which corresponds to a selected target point in a displayed digital image of the real scene. In contrast, the beam (6) represents the isocenter of X-ray radiation that is emitted from a collimator (5a) and controlled by a controller (see, e.g., Col. 3, lines 20-45, Col. 6, lines 50-5; col. 7, lines 60-61). The display panel (39B) in FIG. 2 displays the X,Y,Z coordinates and the LINAC angles C,G,A regarding the X-Ray beam (6) in the coordinate system of the patient's anatomy in the scan data space (see, Col. 8, lines 32-42). This teaching by Cosman is unrelated to the claimed inventions and does not support a *prima facie* case of anticipation.

Clearly, the cited sections of Cosman do not disclose or suggest a system and method that allows a user to select a target point in a displayed digital image of a real scene to thereby project a light beam at a target point in the real scene which corresponds to the selected target point in the displayed digital image of the real scene, as essentially claimed in claims 1, 7 and 10. Therefore, for at least the above reasons, claims 1, 7 and 10 are patentable over, and not anticipated by, Cosman. Further, claims 2-4, 8, and 12-17 are patentable over, and not anticipated by, Cosman at least by virtue of their dependence from respective base claims 1, 7 or 10. Accordingly, withdrawal of the anticipation rejections is requested.

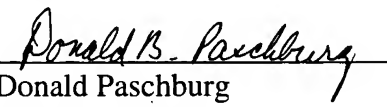
Claim Rejections - 35 U.S.C. § 103

Claims 5, 11 and 18 stand rejected as being obvious as follows:

- (i) claim 11 stands rejected as being unpatentable over Cosman; and
- (ii) claims 5 and 18 stand rejected as being unpatentable over Cosman in view of Kuban et al. (U.S. Patent No. 5,359,363 to Kuban et al.

The obviousness rejections are based, in part, on the assertion that Cosman discloses all elements of base claims 1 and 10. However, claim 11 is patentable over Cosman for at least the same reasons given above for claim 10, from which claim 11 depends. Further, claims 5 and 18 are patentable over the combination of Cosman and Kuban for at least the same reasons given above for claims 1 and 10, from which claims 5 and 18 depend, respectively. Clearly, without elaboration, Kuban does not cure the deficiencies of Cosman as discussed above with regard to claims 1, 7 and 10. Accordingly, withdrawal of the obvious rejections is respectfully requested.

Respectfully submitted,


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